

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

CR 04-40148 DLJ

Plaintiff,

v.

JOSE CASTELLANOS

STIPULATION AND  
ORDER CONTINUING SENTENCING  
HEARING

Defendant.

/

THE PARTIES HEREBY STIPULATE AND AGREE to continue the sentencing hearing presently set for January 22, 2010 at 10:00 a.m., to March 26, 2010, at 10:00 a.m.

The requested continuance is predicated upon the need for additional time for effective preparation of the presentence report, at the unopposed request of United States Probation.

A change of plea was entered on July 27, 2009. Sentencing was set for November 6, 2009, but then continued to January 22, 2010, at the request of defendant and United States Probation.

United States Probation Officer Chris Carrubba interviewed Mr. Castellanos on December 7, 2009, and advised that despite due diligence, additional time was necessary for the effective preparation of the presentence report (which was due in final form to the Court on January 8, 2010).

1       Although Ms. Carrubba advised that only a few weeks extra  
2 would be sufficient, the next calendar date that all parties are  
3 available (including the government's case agent) is March 26,  
4 2010.

5       The parties further stipulate that time is excludable from  
6 the time limitations of the Speedy Trial Act because the  
7 interests of justice are served by granting a continuance. This  
8 continuance, requested by the parties, will permit continuity of  
9 counsel, and allow the reasonable time necessary for effective  
10 preparation, taking into account the exercise of due diligence.  
11 18 U.S.C. sections 3161(h)(8)(A) and (B)(iv).

12       For all the foregoing reasons, the parties stipulate to  
13 the continuance of the sentencing hearing as set forth above.

14       Dated: January 19, 2010

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16       \_\_\_\_\_  
17 /s/ TIMOTHY LUCEY  
TIMOTHY LUCEY  
Assistant U.S. Attorney

16       \_\_\_\_\_  
17 /s/ SHARI L. WHITE  
SHARI L. WHITE  
Attorney for JOSE CASTELLANOS

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**ORDER**

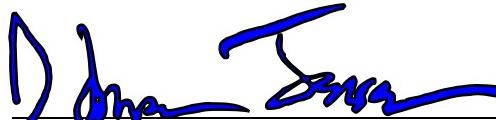
19       Based on the stipulation above, the Court hereby finds  
20 that the request for a continuance is reasonable, and hereby  
21 VACATES the January 22, 2010 sentencing hearing as to Defendant  
22 Castellanos, and resets same for March 26, 2010, at 10:00 a.m.  
23

**IT IS SO ORDERED.**

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Dated: January 20, 2010

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26       \_\_\_\_\_  
27       D. LOWELL JENSEN, Judge  
28       United States District Court